## 1AC

#### Same as Rd 1

## 2AC

### Solvency

#### We reduce signature strikes

Zenko 12 [Micah, Douglas Dillon fellow in the Center for Preventive Action (CPA) at the Council on Foreign Relations (CFR). Previously, he worked for five years at the Harvard Kennedy School and in Washington, DC, at the Brookings Institution, Congressional Research Service, and State Department’s Office of Policy Planning, “Targeted Killings and Signature Strikes,” June 16, <http://blogs.cfr.org/zenko/2012/07/16/targeted-killings-and-signature-strikes/>]

No matter how U.S. officials (secretly) refer to the practice, signature strikes against military-age men have been part of U.S. targeted killings outside of battlefields from their beginning. In fact, the very first targeted killing was a signature strike.¶ After a year-long manhunt and several missed opportunities by Yemeni soldiers, on November 3, 2002, a fusion of human intelligence assets and signals intercepts pinpointed Abu Ali al-Harithi—an operational planner in the al-Qaeda cell that bombed the USS Cole in 2002—and his bodyguards living in the Marib region near the border with Saudi Arabia. Yemeni and U.S. forces on the ground, supported by a Predator drone circling above, were monitoring al-Harithi’s group when they left a compound in two Toyota SUVs. All of the men were in one vehicle and the women in the other. According to an unnamed U.S. official, “If the women hadn’t gotten into another car, we wouldn’t have fired.” (A member of the Senate Select Committee on Intelligence later wondered, “What do we do, next time, if the women get into the car?”)¶ Reportedly, the National Security Agency (NSA) intercepted a satellite phone call coming from the SUV filled with men. After an NSA analyst—who had listened to tapes of al-Harithi’s voice for years—heard confirming evidence, he shouted: “He’s in the backseat, and he’s giving the driver directions!” With that confirmation, a CIA-controlled Predator drone was authorized to fire a single Hellfire missile, which destroyed the SUV and killed al-Harithi, four unknown Yemenis, and Ahmed Hijazi (otherwise known as Kemal Derwish)—a naturalized U.S. citizen who recruited six men from Lackawanna, New York, to briefly attend an al-Qaeda training camp in Afghanistan. Ultimately, the Lackawanna Six pled guilty to providing material support to al-Qaeda and received sentences ranging from seven to nine years in federal prison.¶ As the Los Angeles Times reported the drone strike: “Even though the CIA wasn’t sure who else was in the car, the customary rules of armed conflict say that anyone sitting next to a legitimate target such as Harithi was, in effect, accepting the risk of imminent death.” (Many international legal scholars would dispute this interpretation.) At the same time, U.S. officials acknowledged that the CIA did not know Hijazi was in the vehicle before the CIA launched the missile, although one later claimed his death was justifiable “collateral damage” since “he was just in the wrong place at the wrong time.”¶ It is plausible that the military-age males who happened to get into al-Harithi’s SUV that day were involved with the suspected al-Qaeda operative in planning terrorist plots. However, there is no way to know this with any certainty, and the Bush administration never presented any supporting evidence to this effect. Moreover, we will never know what specific evidence was used to target al-Harithi, because some of it came from suspected al-Qaeda operative Abd al Rahim al-Nashiri. In 2008, CIA director Hayden testified before the Senate Select Committee on Intelligence that Nashiri was one of three detainees that the CIA waterboarded, and information obtained by torture is not admissible in a military commission trial.¶ Whether they are called signature strikes, crowd killing, or Terrorist Attack Disruption Strikes, all have been part of U.S. targeted killings from the start, and continue with the CIA’s tactic of staggered drone strikes to kill rescuers of initial victims. The Obama administration makes the false choice that kinetic counterterrorism options are either “large, intrusive military deployments” or drone strikes (although some signature strikes have been conducted with cruise missiles). Or, as former CIA official Henry Crumpton—who, according to his memoir, authorized the first U.S. drone strike on October 20, 2001, in Afghanistan—crudely described the dichotomy: “Look at the firebombing of Dresden, and compare what we’re doing today.” However, people have the right to disagree with the ethical and moral tradeoffs of how drone strikes are currently conducted, and the unwillingness of the Obama administration to discuss them, as well as Congress’ reticence to question them. After ten years of signature strikes, isn’t this a debate worth having?

#### Even overwhelmingly unpopular decisions increase exposure—That increases legitimacy

Gibson 8(James, Professor of African and African American Studies, The Oxford Handbook of Political Institutions, Google Book)

5. Gibson. Caldeira, and Spcncc (2003) have posited a mechanism by which these findings can be integrated. They suggest a "positivity bias," which means that exposure to courts is typically associated with exposure to the legitimizing symbols of courts (robes, decorum, media deference, etc.), thereby contributing to legitimacy. Even when the initial stimulus for paying attention to courts is negative (as Hmh vs. (lore was for many), judicial symbols enhance legitim¬acy, which shields the institution from attack based on disagreement with its decision. The 2000 US presidential election provides a powerful and compel¬ling example of this process (see also Yates and Whit ford 2002; Kritzcr 2001). Thus, ironically, even disagreement with court decisions may increase exposure to legitimizing judicial symbols, which in turn enhances the perceived legitimacy of the court.¶ 6. At this point, more speculation is required about how this process evolves. I begin by positing that citizens do not naturally differentiate between the judiciary and the other branches of government, That courts arc special and different is something that must be learned. Thus, those most ignorant about polities are likely to hold views of courts and other political institutions that arc quite similar—courts are not seen as special and unique."¶ Exposure to legitimizing judicial symbols reinforces the process of distinguishing courts from other political institutions. I in- message of these powerful symbols is that "courts are different," and owing to these differences, courts are worthy of more respect, deference, and obedience—in short, legitimacy.

### CP – XO

#### Executive check fails and leads to rubber stamping—Strict scrutiny through the courts is Key—Prefer our COMPARATIVE and SPECIFIC evidence

Somin 13 [Ilya, Professor of Law, George Mason University, “Hearing on Drone Wars: the Constitutional and Counterterrorism Implications of Targeted Killing,” <http://www.judiciary.senate.gov/pdf/04-23-13SominTestimony.pdf>, Testimony Before the United States Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, 4/23, ALB]

Alternatively, one can envision some kind of more extensive due process within the ¶ executive branch itself, as advocated by Neal Katyal of the Georgetown University Law ¶ Center.But any internal executive process has the flaw that it could always be overriden by ¶ the president, and possibly other high-ranking executive branch officials. Moreover, lower level executive officials might be reluctant to veto drone strikes supported by their superiors, ¶ either out of careerist concerns, or because administration officials are naturally likely to ¶ share the ideological and policy priorities of the president. An external check on targeting ¶ reduces such risks. External review might also enhance the credibility of the target-selection ¶ process with informed opinion both in the United States and abroad. ¶ Whether targeting decisions are made with or without judicial oversight, there is also an ¶ important question of burdens of proof. How much evidence is enough to justify classifying ¶ you or me as a senior Al Qaeda leader? The administration memo does not address that ¶ crucial question either. ¶ Obviously, it is unrealistic to hold military operations to the standards of proof normally ¶ required in civilian criminal prosecutions. But at the same time, we should be wary of giving ¶ the president unfettered power to order the killing of citizens simply based on his assertion ¶ that they pose a threat. Amos Guiora suggests that an oversight court should evaluate ¶ proposed strikes under a “strict scrutiny standard” that ensures that strikes are only ordered ¶ based on intelligence that is “reliable, material and probative.” It is difficult for me to say ¶ whether this standard of proof is the best available option. But the issue is a crucial one that ¶ deserves further consideration. Ideally, we need a standard of proof rigorous enough to ¶ minimize reckless or abusive use of targeted killing, but not so high as to preclude its ¶ legitimate use.

#### Ex post review fails to solve legitimacy or set up a legal framework

Crandall 12 (Carla, Law Clerk – Supreme Court of Missouri, “Ready…Fire…Aim! A Case for Applying American Due Process Principles Before Engaging in Drone Strikes,” Florida Journal of International Law, April, 24 Fla. J. Int'l L. 55, Lexis)

Despite the expanded use of drones, however, the legitimacy of these attacks remains unclear. Most commentators who have addressed the legitimacy of more general targeted killings have examined the issue within the framework of either international humanitarian law (IHL) or international human rights law (IHRL). n6 Those limited few who have [\*57] analyzed the subject through the lens of American due process have limited their scrutiny to the absence of post-deprivation rights. n7 They suggest, for instance, that the United States should implement some sort of Bivens-type action as a remedy for the survivors of erroneous drone strikes. n8

As this Article explains, however, none of these approaches yield wholly satisfactory answers as to which framework should govern the use of drones within the context of the war on terror. And though the idea that American due process principles ought to be applied ex post represents a significant contribution to the debate, it too ultimately falls flat. Indeed, such an approach unduly narrows the obligation of U.S. officials to the standard of readying, firing, and then aiming- requiring them to perform a detailed review of the strikes only after the fact. Instead, this Article argues that the United States ought to be held to a higher, ex ante standard-that of "aiming" before firing-and posits that such a standard is practically attainable.

In doing so, the Article proceeds as follows. Part II describes the capabilities and current employment of drones and explains why resolving the legitimacy of their use is so critical. Specifically, it highlights that, despite the unsettled nature of the law in this area, targeted killings by drone strikes have increased exponentially in recent years-in some instances against arguably questionable targets. Part III examines current attempts to address the legitimacy of drone assaults and explains why they fail to adequately govern the use of these weapons. While this Part explores the applicability of IHRL and IHL, it does not undertake to resolve the debate as to which regime does or ought to apply to these operations. To the contrary, it argues that limitations within each framework have prevented consensus from forming around the applicability of either. Accordingly, U.S. officials [\*58] must arguably look to other sources to find guiding principles to legitimize targeted killings via drones. Though it is admittedly not entirely clear whether constitutional guarantees apply in the foreign locales where these strikes occur-or to the foreign nationals who are often their target-this Part proposes that American due process principles nevertheless ought to be invoked before such strikes occur, because failing to do so allows the executive to act with impunity in a legal void. Part IV argues that, in Hamdi v. Rumsfeld n9 and Boumediene v. Bush, n10 the Supreme Court signaled the process that may be due before drones are used to eliminate known terrorist targets. In extending the Hamdi and Boumediene analysis to targeted killings by drones, this Part also begins the inquiry into the procedural protections that due process may demand before U.S. officials engage in such actions. Part V concludes.

#### Only due process solves and is key to rule of law

Guiora 13 [Amos N., Professor of Law, SJ Quinney College of Law, University of Utah, author of numerous books dealing with military law and national security including Legitimate Target: A Criteria-Based Approach to Targeted Killing, “Targeted Killing: When Proportionality Gets All Out of Proportion,” University of Utah College of Law Research Paper No. 1, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2230686>, ALB]

The U.S. drone policy raises profoundly important questions regarding the very nature of operational counterterrorism; its implementation reveals how morality and the rule of law are applied in an inherently ambiguous and amorphous paradigm. At present, the increasingly broader and more flexible definition of imminence, combined with a continually growing reliance on sleek new technology, is highly problematic and raises significant concerns about whether law and morality are truly serving as the necessary guiding force here. Law not only provides a state with the right to engage those who deliberately and randomly target innocent civilians—it also provides the essential guiding framework for the extent to which and manner by which the state can target and engage those individuals. Simply articulating an aggressive, tough on terrorism policy is not sufficient. Rather, the devil truly is in the details: the state must carefully define both the limits of force and how that limited force is to be applied. Such a carefully-defined limit and application of force is the essence of both morality in armed conflict and the rule of law. In contrast, deliberately operating in an open-ended paradigm with opaque parameters where state power is broadly defined and implemented opens the door, unnecessarily, to significant violations of morality and law.¶ Unlimited drone warfare where limits, targets, and goals are not narrowly defined creates an operational environment in which anyone killed, regardless of whether intended or unintended, is considered a legitimate target. This expanded articulation of legitimate target, premised on significant expansion of tolerable collateral damage, creates a slippery slope that inevitably results in the deaths of otherwise innocent individuals. The allure of modern technology has led many decision makers to minimize the need to carefully distinguish between the individuals who pose a threat and those who do not.¶ Decision makers must not lose sight of the fact that targeted killing, on the basis of received and actionable intelligence information, is inherently a problematic; it poses extraordinary operational challenges that must be resolved precisely because of targeted killing’s importance to lawful self-defense. It must be operationalized in the most careful, narrow, and specific manner possible—meaning that a discriminating analysis of who is a legitimate target must be matched by equally discriminating analysis of who constitutes collateral damage, how much collateral damage is likely, and, most important, how much collateral damage is legally and morally acceptable or tolerable.¶ Morality in armed conflict is not a mere mantra: it imposes significant demands on the nation state that must adhere to limits and considerations beyond simply killing “the other side.” For better or worse, drone warfare of today will become the norm of tomorrow. Multiply the number of attacks conducted regularly in the present and you have the operational reality of future warfare. It is important to recall that drone policy is effective on two distinct levels: it takes the fight to terrorists directly involved, either in past or future attacks, and serves as a powerful deterrent for those considering involvement in terrorist activity.53 However, its importance and effectiveness must not hinder critical conversation, particularly with respect to defining imminence and legitimate target. The overly broad definition, “flexible” in the Obama Administration’s words, raises profound concerns regarding how imminence is applied. That concern is concrete for the practical import of Brennan’s phrasing is a dramatic broadening of the definition of legitimate target. It is also important to recall that operators—military, CIA or private contractors—are responsible for implementing executive branch guidelines and directives.55 For that very reason, the approach articulated by Brennan on behalf of the administration is troubling.

#### That prevents extinction

IEER 3 (Institute for Energy and Environmental Research 03 “Rule of Power or Rule of Law?”, <http://www.lcnp.org/pubs/exesummary.pdf>)

The evolution of international law since World War II is largely a response to the demands of states and individuals living within a global society with a deeply integrated world economy. In this global society, the repercussions of the actions of states, non-state actors, and individuals are not confined within borders, whether we look to greenhouse gas accumulations, nuclear testing, the danger of accidental nuclear war, or the vast massacres of civilians that have taken place over the course of the last hundred years and still continue. Multilateral agreements increasingly have been a primary instrument employed by states to meet extremely serious challenges of this kind, for several reasons. They clearly and publicly embody a set of universally applicable expectations, including prohibited and required practices and policies. In other words, they articulate global norms, such as the protection of human rights and the prohibitions of genocide and use of weapons of mass destruction. They establish predictability and accountability in addressing a given issue. States are able to accumulate expertise and confidence by participating in the structured system established by a treaty. However, influential U.S. policymakers are resistant to the idea of a treaty based international legal system because they fear infringement on U.S. sovereignty and they claim to lack confidence in compliance and enforcement mechanisms. This approach has dangerous practical implications for international cooperation and compliance with norms. U.S. treaty partners do not enter into treaties expecting that they are only political commitments that can be overridden based on U.S. interests. When a powerful and influential state like the United States is seen to treat its legal obligations as a matter of convenience or of national interest alone, other states will see this as a justification to relax or withdraw from their own commitments. When the United States wants to require another state to live up to its treaty obligations, it may find that the state has followed the U.S. example and opted out of compliance. Undermining the international system of treaties is likely to have particularly significant consequences in the area of peace and security. Even though the United States is uniquely positioned as the economic and military sole superpower, unilateral actions are insufficient to protect the people of the United States. For example, since September 11, prevention of proliferation of weapons of mass destruction is an increasing priority. The United States requires cooperation from other countries to prevent and detect proliferation, including through the multilateral disarmament and nonproliferation treaties. No legal system is foolproof, domestically or internationally. While violations do occur, “the dictum that most nations obey international law most of the time holds true today with greater force than at any time during the last century.” And legal systems should not be abandoned because some of the actors do not comply. In the international as in the domestic sphere, enforcement requires machinery for deciding when there has been a violation, namely verification and transparency arrangements. Such arrangements also provide an incentive for compliance under ordinary circumstances. Yet for several of the treaties discussed in this report, including the BWC, CWC, and CTBT, one general characteristic of the U.S. approach has been to try to exempt itself from transparency and verification arrangements. It bespeaks a lack of good faith if the United States wants near-perfect knowledge of others’ compliance so as to be able to detect all possible violations, while also wanting all too often to shield itself from scrutiny. While many treaties lack internal explicit provisions for sanctions, there are means of enforcement. Far more than is generally understood, states are very concerned about formal international condemnation of their actions. A range of sanctions is also available, including withdrawal of privileges under treaty regimes, arms and commodity embargoes, travel bans, reductions in international financial assistance or loans, and freezing of state or individual leader assets. Institutional mechanisms are available to reinforce compliance with treaty regimes, including the U.N. Security Council and the International Court of Justice. Regarding the latter, however, the United States has withdrawn from its general jurisdiction. One explanation for increasing U.S. opposition to the treaty system is that the United States is an “honorable country” that does not need treaty limits to do the right thing. This view relies on U.S. military strength above all and assumes that the U.S. actions are intrinsically right, recalling the ideology of “Manifest Destiny.” This is at odds with the very notion that the rule of law is possible in global affairs. If the rule of power rather than the rule of law becomes the norm, especially in the context of the present inequalities and injustices around the world, security is likely to be a casualty. International security can best be achieved through coordinated local, national, regional and global actions and cooperation. Treaties, like all other tools in this toolbox, are imperfect instruments. Like a national law, a treaty may be unjust or unwise, in whole or in part. If so, it can and should be amended. But without a framework of multilateral agreements, the alternative is for states to decide for themselves when action is warranted in their own interests, and to proceed to act unilaterally against others when they feel aggrieved. This is a recipe for the powerful to be police, prosecutor, judge, jury, and executioner all rolled into one. It is a path that cannot but lead to the arbitrary application and enforcement of law. For the United States, a hallmark of whose history is its role as a progenitor of the rule of law, to embark on a path of disregard of its international legal obligations is to abandon the best that its history has to offer the world. To reject the system of treaty-based international law rather than build on its many strengths is not only unwise, it is extremely dangerous. It is urgent that the United States join with other countries in implementing existing global security treaties to meet the security challenges of the twenty-first century and to achieve the ends of peace and justice to which the United States is committed under the United Nations Charter

#### Links to politics

Hallowell 13 (Billy Hallowell, writer for The Blaze, B.A. in journalism and broadcasting from the College of Mount Saint Vincent in Riverdale, New York and an M.S. in social research from Hunter College in Manhattan, “HERE’S HOW OBAMA IS USING EXECUTIVE POWER TO BYPASS LEGISLATIVE PROCESS” Feb. 11, 2013, <http://www.theblaze.com/stories/2013/02/11/heres-how-obamas-using-executive-power-to-bylass-legislative-process-plus-a-brief-history-of-executive-orders/>, KB)

“In an era of polarized parties and a fragmented Congress, the opportunities to legislate are few and far between,” Howell said. “So presidents have powerful incentive to go it alone. And they do.”¶ And the political opposition howls.¶ Sen. Marco Rubio, R-Fla., a possible contender for the Republican presidential nomination in 2016, said that on the gun-control front in particular, Obama is “abusing his power by imposing his policies via executive fiat instead of allowing them to be debated in Congress.”¶ The Republican reaction is to be expected, said John Woolley, co-director of the American Presidency Project at the University of California in Santa Barbara.¶ “For years there has been a growing concern about unchecked executive power,” Woolley said. “It tends to have a partisan content, with contemporary complaints coming from the incumbent president’s opponents.”

### K – Security

#### Framing—The role of the ballot is to evaluate the simulated policy outcomes of government implementation of the plan

#### b. It’s key to decision-making skills

Hodson 10 Derek, professor of education – Ontario Institute for Studies @ University of Toronto, “Science Education as a Call to Action,” Canadian Journal of Science, Mathematics and Technology Education, Vol. 10, Issue 3, p. 197-206

\*\*note: SSI = socioscientific issues

The final (fourth) level of sophistication in this issues-based approach is concerned with students findings ways of putting their values and convictions into action, helping them to prepare for and engage in responsible action, and assisting them in developing the skills, attitudes, and values that will enable them to take control of their lives, cooperate with others to bring about change, and work toward a more just and sustainable world in which power, wealth, and resources are more equitably shared. Socially and environmentally responsible behavior will not necessarily follow from knowledge of key concepts and possession of the “right attitudes.” As Curtin (1991) reminded us, it is important to distinguish between caring about and caring for. It is almost always much easier to proclaim that one cares about an issue than to do something about it. Put simply, our values are worth nothing until we live them. Rhetoric and espoused values will not bring about social justice and will not save the planet. We must change our actions. A politicized ethic of care (caring for) entails active involvement in a local manifestation of a particular problem or issue, exploration of the complex sociopolitical contexts in which the problem/issue is located, and attempts to resolve conflicts of interest. FROM STSE RHETORIC TO SOCIOPOLITICAL ACTION Writing from the perspective of environmental education, Jensen (2002) categorized the knowledge that is likely to promote sociopolitical action and encourage pro-environmental behavior into four dimensions: (a) scientific and technological knowledge that informs the issue or problem; (b) knowledge about the underlying social, political, and economic issues, conditions, and structures and how they contribute to creating social and environmental problems; (c) knowledge about how to bring about changes in society through direct or indirect action; and (d) knowledge about the likely outcome or direction of possible actions and the desirability of those outcomes. Although formulated as a model for environmental education, it is reasonable to suppose that Jensen's arguments are applicable to all forms of SSI-oriented action. Little needs to be said about dimensions 1 and 2 in Jensen's framework beyond the discussion earlier in the article. With regard to dimension 3, students need knowledge of actions that are likely to have positive impact and knowledge of how to engage in them. It is essential that they gain robust knowledge of the social, legal, and political system(s) that prevail in the communities in which they live and develop a clear understanding of how decisions are made within local, regional, and national government and within industry, commerce, and the military. Without knowledge of where and with whom power of decision making is located and awareness of the mechanisms by which decisions are reached, intervention is not possible. Thus, the curriculum I propose requires a concurrent program designed to achieve a measure of political literacy, including knowledge of how to engage in collective action with individuals who have different competencies, backgrounds, and attitudes but share a common interest in a particular SSI. Dimension 3 also includes knowledge of likely sympathizers and potential allies and strategies for encouraging cooperative action and group interventions. What Jensen did not mention but would seem to be a part of dimension 3 knowledge is the nature of science-oriented knowledge that would enable students to appraise the statements, reports, and arguments of scientists, politicians, and journalists and to present their own supporting or opposing arguments in a coherent, robust, and convincing way (see Hodson [2009b] for a lengthy discussion of this aspect of science education). Jensen's fourth category includes awareness of how (and why) others have sought to bring about change and entails formulation of a vision of the kind of world in which we (and our families and communities) wish to live. It is important for students to explore and develop their ideas, dreams, and aspirations for themselves, their neighbors and families and for the wider communities at local, regional, national, and global levels—a clear overlap with futures studies/education. An essential step in cultivating the critical scientific and technological literacy on which sociopolitical action depends is the application of a social and political critique capable of challenging the notion of technological determinism. We can control technology and its environmental and social impact. More significantly, we can control the controllers and redirect technology in such a way that adverse environmental impact is substantially reduced (if not entirely eliminated) and issues of freedom, equality, and justice are kept in the forefront of discussion during the establishment of policy.

#### d. Alt puts the cart before the horse – pragmatic action must come first

Owen 2 David, Reader in Political Theory at the University of Southampton, Reorienting International Relations: On Pragmatism, Pluralism and Practical Reasoning”, Millennium: Journal of International Studies, Vol. 31, No. 3, http://mil.sagepub.com/cgi/reprint/31/3/653

Commenting on the ‘philosophical turn’ in IR, Wæver remarks that ‘[a] frenzy for words like “epistemology” and “ontology” often signals this philosophical turn’, although he goes on to comment that these terms are often used loosely.4 However, loosely deployed or not, it is clear that debates concerning ontology and epistemology play a central role in the contemporary IR theory wars. In one respect, this is unsurprising since it is a characteristic feature of the social sciences that periods of disciplinary disorientation involve recourse to reflection on the philosophical commitments of different theoretical approaches, and there is no doubt that such reflection can play a valuable role in making explicit the commitments that characterise (and help individuate) diverse theoretical positions. Yet, such a philosophical turn is not without its dangers and I will briefly mention three before turning to consider a confusion that has, I will suggest, helped to promote the IR theory wars by motivating this philosophical turn. The first danger with the philosophical turn is that it has an inbuilt tendency to prioritise issues of ontology and epistemology over explanatory and/or interpretive power as if the latter two were merely a simple function of the former. But while the explanatory and/or interpretive power of a theoretical account is not wholly independent of its ontological and/or epistemological commitments (otherwise criticism of these features would not be a criticism that had any value), it is by no means clear that it is, in contrast, wholly dependent on these philosophical commitments. Thus, for example, one need not be sympathetic to rational choice theory to recognise that it can provide powerful accounts of certain kinds of problems, such as the tragedy of the commons in which dilemmas of collective action are foregrounded. It may, of course, be the case that the advocates of rational choice theory cannot give a good account of why this type of theory is powerful in accounting for this class of problems (i.e., how it is that the relevant actors come to exhibit features in these circumstances that approximate the assumptions of rational choice theory) and, if this is the case, it is a philosophical weakness—but this does not undermine the point that, for a certain class of problems, rational choice theory may provide the best account available to us. In other words, while the critical judgement of theoretical accounts in terms of their ontological and/or epistemological sophistication is one kind of critical judgement, it is not the only or even necessarily the most important kind. The second danger run by the philosophical turn is that because prioritisation of ontology and epistemology promotes theory-construction from philosophical first principles, it cultivates a theory-driven rather than problem-driven approach to IR. Paraphrasing Ian Shapiro, the point can be put like this: since it is the case that there is always a plurality of possible true descriptions of a given action, event or phenomenon, the challenge is to decide which is the most apt in terms of getting a perspicuous grip on the action, event or phenomenon in question given the purposes of the inquiry; yet, from this standpoint, ‘theory-driven work is part of a reductionist program’ in that it ‘dictates always opting for the description that calls for the explanation that flows from the preferred model or theory’.5 The justification offered for this strategy rests on the mistaken belief that it is necessary for social science because general explanations are required to characterise the classes of phenomena studied in similar terms. However, as Shapiro points out, this is to misunderstand the enterprise of science since ‘whether there are general explanations for classes of phenomena is a question for social-scientific inquiry, not to be prejudged before conducting that inquiry’.6 Moreover, this strategy easily slips into the promotion of the pursuit of generality over that of empirical validity. The third danger is that the preceding two combine to encourage the formation of a particular image of disciplinary debate in IR—what might be called (only slightly tongue in cheek) ‘the Highlander view’—namely, an image of warring theoretical approaches with each, despite occasional temporary tactical alliances, dedicated to the strategic achievement of sovereignty over the disciplinary field. It encourages this view because the turn to, and prioritisation of, ontology and epistemology stimulates the idea that there can only be one theoretical approach which gets things right, namely, the theoretical approach that gets its ontology and epistemology right. This image feeds back into IR exacerbating the first and second dangers, and so a potentially vicious circle arises. It should be noted that I am not claiming that such a vicious circle has been established in IR by virtue of the philosophical turn, nor am I claiming that IR is alone in its current exposure to this threat; on the contrary, Shapiro’s remarks are directed at (primarily North American) political science. I am simply concerned to point out that the philosophical turn in IR increases its exposure to these dangers and, hence, its vulnerability to the kind of vicious circle that they can, collectively, generate.

#### Uncertainty justifies realism—Leaders will always calculate action based on capability

Copeland 6, Associate Professor and Director Dept. of Government and Foreign Affairs @ University of Virginia (Dale, “The Constructivist Challenge to Structural Realism: A Review Essay”, Constructivism and International Relations, Alexander Wendt and His Critics)

Notwithstanding Wendt’s important contributions to international relations theory, his critique of structural realism has inherent flaws. Most important, it does not adequately address a critical aspect of the realist worldview: **the problem of uncertainty.** For structural realists, it is states’ uncertainty about the present and especially the future intentions of others that makes the levels and trends in relative power such fundamental causal variables. Contrary to Wendt’s claim that realism must smuggle in states with differently constituted interests to explain why systems sometimes fall into conflict, neorealists argue that uncertainty about the other’s present interests—whether the other is driven by security or nonsecurity motives—**can be enough to lead security-seeking states to fight**. This problem is exacerbated by the incentives that actors have to deceive one another, an issue Wendt does not address. Yet even when states are fairly sure that the other is also a security seeker, they know that it might change its spots later on. States must therefore worry about any decline in their power, lest the other turn aggressive after achieving superiority. Wendt’s building of a systemic constructivist theory—and his bracketing of unit-level processes—thus presents him with an ironic dilemma. It is the very mutability of polities as emphasized by domestic-level constructivists—that states may change because of domestic processes independent of international interaction—that makes prudent leaders so concerned about the future. If diplomacy can have only a limited effect on another’s character or regime type, **then leaders must calculate the other’s potential to attack later should it acquire motives for expansion**. In such an environment of future uncertainty, levels and trends in relative power will thus act as a key constraint on state behavior. The problem of uncertainty complicates Wendt’s efforts to show that anarchy has no particular logic, but only three different ideational instantiations in history—as Hobbesian, Lockean, or Kantian cultures, depending on the level of actor compliance to certain behavioral norms. By differentiating these cultures in terms of the degree of cooperative behavior exhibited by states, Wendt’s analysis reinforces the very dilemma underpinning the realist argument. If the other is acting cooperatively, how is one to know whether this reflects its peaceful character, or is just a façade **masking aggressive desires**? Wendt’s discussion of the different degrees of internalization of the three cultures only exacerbates the problem. What drives behavior at the **lower levels of internalization** is precisely what is not shared between actors—their private incentives to comply for short-term selfish reasons. This suggests that the neorealist and neoliberal paradigms, both of which emphasize the role of uncertainty when internalization is low or nonexistent, remain strong competitors to constructivism in explaining changing levels of cooperation through history. And because Wendt provides little empirical evidence to support his view in relation to these competitors, the debate over which paradigm possesses greater explanatory power is still an open one.

#### Our 1AC was written the way it was due to qualitative and quantitative research about these threats, we recognize our responsibility for those contributions, we think the responsibility for future generations outweighs

Kateb 92 Professor of Politics at Princeton University (George, “The Inner Ocean” p 111-112)

Schell's work attempts to force on us an acknowledgment that sounds far-fetched and even ludicrous, an acknowledgment hat the possibility of extinction is carried by any use of nuclear weapons, no matter how limited or how seemingly rational or seemingly morally justified. He himself acknowledges that there is a difference between possibility and certainty. But in a matter that is more than a matter, more than one practical matter in a vast series of practical matters, in the "matter" of extinction, we are obliged to treat a possibility-a genuine possibility-as a certainty. Humanity is not to take any step that contains even the slightest risk of extinction. The doctrine of no-use is based on the possibility of extinction. Schell's perspective transforms the subject. He takes us away from the arid stretches of strategy and asks us to feel continuously, if we can, and feel keenly if only for an instant now and then, how utterly distinct the nuclear world is. Nuclear discourse must vividly register that distinctiveness. It is of no moral account that extinction may be only a slight possibility. No one can say how great the possibility is, but no one has yet credibly denied that by some sequence or other a particular use of nuclear weapons may lead to human and natural extinction. If it is not impossible it must be treated as certain: the loss signified by extinction nullifies all calculations of probability as it nullifies all calculations of costs and benefits. Abstractly put, the connections between any use of nuclear weapons and human and natural extinction are several. Most obviously, a sizable exchange of strategic nuclear weapons can, by a chain of events in nature, lead to the earth's uninhabitability, to "nuclear winter," or to Schell's "republic of insects and grass." But the consideration of extinction cannot rest with the possibility of a sizable exchange of strategic weapons. It cannot rest with the imperative that a sizable exchange must not take place. A so-called tactical or "theater" use, or a so-called limited use, is also prohibited absolutely, because of the possibility of immediate escalation into a sizable exchange or because, even if there were not an immediate escalation, the possibility of extinction would reside in the precedent for future use set by any use whatever in a world in which more than one power possesses nuclear weapons. Add other consequences: the contagious effect on nonnuclear powers who may feel compelled by a mixture of fear and vanity to try to acquire their own weapons, thus increasing the possibility of use by increasing the number of nuclear powers; and the unleashed emotions of indignation, retribution, and revenge which, if not acted on immediately in the form of escalation, can be counted on to seek expression later. Other than full strategic uses are not confined, no matter how small the explosive power: each would be a cancerous transformation of the world. All nuclear roads lead to the possibility of extinction. It is true by definition, but let us make it explicit: the doctrine of no-use excludes any first or retaliatory or later use, whether sizable or not. No-use is the imperative derived from the possibility of extinction. By containing the possibility of extinction, any use is tantamount to a declaration of war against humanity. It is not merely a war crime or a single crime against humanity. Such a war is waged by the user of nuclear weapons against every human individual as individual (present and future), not as citizen of this or that country. It is not only a war against the country that is the target. To respond with nuclear weapons, where possible, only increases the chances of extinction and can never, therefore, be allowed. The use of nuclear weapons establishes the right of any person or group, acting officially or not, violently or not, to try to punish those responsible for the use. The aim of the punishment is to deter later uses and thus to try to reduce the possibility of extinction, if, by chance, the particular use in question did not directly lead to extinction. The form of the punishment cannot be specified. Of course the chaos ensuing from a sizable exchange could make punishment irrelevant. The important point, however, is to see that those who use nuclear weapons are qualitatively worse than criminals, and at the least forfeit their offices. John Locke, a principal individualist political theorist, says that in a state of nature every individual retains the right to punish transgressors or assist in the effort to punish them, whether or not one is a direct victim. Transgressors convert an otherwise tolerable condition into a state of nature which is a state of war in which all are threatened. Analogously, the use of nuclear weapons, by containing in an immediate or delayed manner the possibility of extinction, is in Locke's phrase "a trespass against the whole species" and places the users in a state of war with all people. And people, the accumulation of individuals, must be understood as of course always indefeasibly retaining the right of selfpreservation, and hence as morally allowed, perhaps enjoined, to take the appropriate preserving step

#### No impact to threat con

Posner and Veremeule 3 (Eric A. Posner and Adrian Vermeule 3, law profs at Chicago and Harvard, Accommodating Emergencies, September, <http://www.law.uchicago.edu/files/files/48.eap-av.emergency.pdf>)

Against the view that panicked government officials overreact to an emergency, and unnecessarily curtail civil liberties, we suggest a more constructive theory of the role of fear. Before the emergency, government officials are complacent. They do not think clearly or vigorously about the potential threats faced by the nation. After the terrorist attack or military intervention, their complacency is replaced by fear. Fear stimulates them to action. Action may be based on good decisions or bad: fear might cause officials to exaggerate future threats, but it also might arouse them to threats that they would otherwise not perceive. It is impossible to say in the abstract whether decisions and actions provoked by fear are likely to be better than decisions and actions made in a state of calm. But our limited point is that there is no reason to think that the fear-inspired decisions are likely to be worse. For that reason, the existence of fear during emergencies does not support the antiaccommodation theory that the Constitution should be enforced as strictly during emergencies as during non-emergencies.¶ C. The Influence of Fear during Emergencies ¶ Suppose now that the simple view of fear is correct, and that it is an unambiguously negative influence on government decisionmaking. Critics of accommodation argue that this negative influence of fear justifies skepticism about emergency policies and strict enforcement of the Constitution. However, this argument is implausible. It is doubtful that fear, so understood, has more influence on decisionmaking during emergencies than decisionmaking during non-emergencies.¶ The panic thesis, implicit in much scholarship though rarely discussed in detail, holds that citizens and officials respond to terrorism and war in the same way that an individual in the jungle responds to a tiger or snake. The national response to emergency, because it is a standard fear response, is characterized by the same circumvention of ordinary deliberative processes: thus, (i) the response is instinctive rather than reasoned, and thus subject to error; and (ii) the error will be biased in the direction of overreaction. While the flight reaction was a good evolutionary strategy on the savannah, in a complex modern society the flight response is not suitable and can only interfere with judgment. Its advantage—speed—has minimal value for social decisionmaking. No national emergency requires an immediate reaction—except by trained professionals who execute policies established earlier—but instead over days, months, or years people make complex judgments about the appropriate institutional response. And the asymmetrical nature of fear guarantees that people will, during a national emergency, overweight the threat and underweight other things that people value, such as civil liberties. ¶ But if decisionmakers rarely act immediately, then the tiger story cannot bear the metaphoric weight that is placed on it. Indeed, the flight response has nothing to do with the political response to the bombing of Pearl Harbor or the attack on September 11. The people who were there—the citizens and soldiers beneath the bombs, the office workers in the World Trade Center—no doubt felt fear, and most of them probably responded in the classic way. They experienced the standard physiological effects, and (with the exception of trained soldiers and security officials) fled without stopping to think. It is also true that in the days and weeks after the attacks, many people felt fear, although not the sort that produces a irresistible urge to flee. But this kind of fear is not the kind in which cognition shuts down. (Some people did have more severe mental reactions and, for example, shut themselves in their houses, but these reactions were rare.) The fear is probably better described as a general anxiety or jumpiness, an anxiety that was probably shared by government officials as well as ordinary citizens.53¶ While, as we have noted, there is psychological research suggesting that normal cognition partly shuts down in response to an immediate threat, we are aware of no research suggesting that people who feel anxious about a non-immediate threat are incapable of thinking, or thinking properly, or systematically overweight the threat relative to other values. Indeed, it would be surprising to find research that clearly distinguished “anxious thinking” and “calm thinking,” given that anxiety is a pervasive aspect of life. People are anxious about their children; about their health; about their job prospects; about their vacation arrangements; about walking home at night. No one argues that people’s anxiety about their health causes them to take too many precautions—to get too much exercise, to diet too aggressively, to go to the doctor too frequently—and to undervalue other things like leisure. So it is hard to see why anxiety about more remote threats, from terrorists or unfriendly countries with nuclear weapons, should cause the public, or elected officials, to place more emphasis on security than is justified, and to sacrifice civil liberties.¶ Fear generated by immediate threats, then, causes instinctive responses that are not rational in the cognitive sense, not always desirable, and not a good basis for public policy, but it is not this kind of fear that leads to restrictions of civil liberties during wartime. The internment of Japanese Americans during World War II may have been due to racial animus, or to a mistaken assessment of the risks; it was not the direct result of panic; indeed there was a delay of weeks before the policy was seriously considered.54 Post-9/11 curtailments of civil liberties, aside from immediate detentions, came after a significant delay and much deliberation. The civil libertarians’ argument that fear produces bad policy trades on the ambiguity of the word “panic,” which refers both to real fear that undermines rationality, and to collectively harmful outcomes that are driven by rational decisions, such as a bank run, where it is rational for all depositors to withdraw funds if they believe that enough other depositors are withdrawing funds. Once we eliminate the false concern about fear, it becomes clear that the panic thesis is indistinguishable from the argument that during an emergency people are likely to make mistakes. But if the only concern is that during emergencies people make mistakes, there would be no reason for demanding that the constitution be enforced normally during emergencies. Political errors occur during emergencies and nonemergencies, but the stakes are higher during emergencies, and that is the conventional reason why constitutional constraints should be relaxed.

#### Securitization is key to prevent mass violence and authoritarian control

Loader and Walker 7 (Ian Loader And a professor of criminology at Oxford and Neil Walker a professor of European law European University Institute (Florence), 2007 Civilizing Security pg. 7-8)

OUR argument in this book is that security is a valuable public good, a constitutive ingredient of the good society, and that the democratic state has a necessary and virtuous role to play in the production of this good. The state, and in particular the forms of public policing governed by it, is, we shall argue, indispensable to the task of fostering and sustaining liveable political communities in the contemporary world. It is, in the words of our title, pivotal to the project of civilizing security. By invoking this phrase we have in mind two ideas, both of which we develop in the course of the book. The first, which is relatively familiar if not uncontroversial, is that security needs civilizing. States - even those that claim with some justification to be 'liberal' or 'democratic' - have a capacity when self-consciously pursuing a condition called 'security' to act in a fashion injurious to it. So too do non-state 'security' actors, a point we return to below and throughout the book. They proceed in ways that trample over the basic liberties of citizens; that forge security for some groups while imposing illegitimate burdens of insecurity upon others, or that extend the coercive reach of the state - and security discourse - over social and political life. As monopoly holders of the means of legitimate physical and symbolic violence, modern states possess a built-in, paradoxical tendency to undermine the very liberties and security they are constituted to protect. Under conditions of fear, such as obtain across many parts of the globe today, states and their police forces are prone to deploying their power in precisely such uncivil, insecurity instilling ways. If the state is to perform the ordering and solidarity nourishing work that we argue is vital to the production of secure political communities then it must, consequently, be connected to forms of discursive contestation, democratic scrutiny and constitutional control. The state is a great civilizing force, a necessary and virtuous component of the good society. But if it is to take on this role, the state must itself be civilized - made safe by and for democracy. But our title also has another, less familiar meaning - the idea that security is civilizing. Individuals who live, objectively or subjectively, in a state of anxiety do not make good democratic citizens, as European theorists reflecting upon the dark days of the 1930s and 1940s knew well (Neumann 1957). Fearful citizens tend to be inattentive to, unconcerned about, even enthusiasts for, the erosion of basic freedoms. They often lack openness or sympathy towards others, especially those they apprehend as posing a danger to them. They privilege the known over the unknown, us over them, here over there. They often retreat from public life, seeking refuge in private security 'solutions' while at the same time screaming anxiously and angrily from the sidelines for the firm hand of authority - for tough 'security' measures against crime, or disorder, or terror. Prolonged episodes of violence, in particular, can erode or destroy people's will and capacity to exercise political judgement and act in solidarity with others (Keane 2004: 122-3). Fear, in all these ways, is the breeding ground, as well as the stock-in-trade, of authoritarian, uncivil government. But there is more to it than that. Security is also civilizing in a further, more positive sense. Security, we shall argue, is in a sociological sense a 'thick' public good, one whose production has irreducibly social dimensions, a good that helps to constitute the very idea of 'publicness'. Security, in other words, is simultaneously the producer and product of forms of trust and abstract solidarity between intimates and strangers that are prerequisite to democratic political communities. The state, moreover, performs vital cultural and ordering work in fashioning the good of security conceived of in this sense. It can, under the right conditions, create inclusive communities of practice and attachment, while ensuring that these remain rights-regarding, diversity respecting entities. In a world where the state's pre-eminence in governing security is being questioned by private-sector interests, practices of local communal ordering and transnational policing networks, the constitution of old- and new-fashioned forms of democratic political authority is, we shall argue, indispensable to cultivating and sustaining the civilizing effects of security.

### DA – Prez Powers

#### Prez powers low now

Katula 13 (Robert 6-24 Experienced Public Policy Analyst, Speaker, Mortgage Banker, Author, and Visionary Entrepreneur , “Will the President Ever Quit Straddling the Fence?”, http://thebigslice.org/will-the-president-ever-swing-for-the-fences-again/)

But I sense there is one more factor at work. It is presidential leadership. Mr. Obama continues to act like a hybrid chief operating officer/chief financial officer. The country badly needs a Chief Executive Officer who is not afraid to swing for the fences and put forth bold initiatives.¶ What makes the void in leadership so apparent right now is that the president once went for the gold when he passed his landmark health care act. That was a long time ago.¶ No, the attempts at a grand budget reduction bargain fail to meet a presidential leadership threshold. In fact, a president has no business even being that involved in budget negotiations. They are beneath the office.¶ A lack of presidential leadership goes back decades. Starting with Lyndon Johnson we have had a bunch of average, some above, caretaker presidents. Johnson ushered in historical civil and voting rights acts. Nixon opened up economic pathways into China. Reagan helped end the Cold War. Bill Clinton was the best chief operating officer president our nation ever had. The trains ran on time during his eight years and he left office with a budget surplus.¶ The last president to strike forth boldly was Jack Kennedy. JFK, in a little over two and a half years, started the Peace Corps, an Alliance for Progress in Central America, negotiated the first atmospheric test ban treaty, and committed our nation to sending a man to the moon and returning him safely to earth by the end of the decade. He prevented a nuclear war too.

Prez powers cause accidental nuclear war

Forrester 89 (Ray, Law Professor at Hastings & Former Dean of the law schools at Vanderbilt, Tulane, & Cornell, “Presidential Wars in the Nuclear Age: An Unresolved Problem,” The George Washington Law Review, AUGUST, 57 Geo. Wash. L. Rev. 1636)

A basic theory--if not the basic theory of our Constitution--is that concentration of power in any one person, or one group, is dangerous to mankind. The Constitution, therefore, contains a strong system of checks and balances, starting with the separation of powers between the President, Congress, and the Supreme Court. The message is that no one of them is safe with unchecked power. Yet, in what is probably the most dangerous governmental power ever possessed, we find the potential for world destruction lodged in the discretion of one person.¶ As a result of public indignation aroused by the Vietnam disaster, in which tens of thousands lost their lives in military actions initiated by a succession of Presidents, Congress in 1973 adopted, despite presidential veto, the War Powers Resolution. Congress finally asserted its checking and balancing duties in relation to the making of presidential wars.¶ Congress declared in section 2(a) that its purpose was to¶ fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.¶ The law also stated in section 3 that¶ [t]he President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated. . . . Other limitations not essential to this discussion are also provided.¶ The intent of the law is clear. Congress undertook to check the President, at least by prior consultation, in any executive action that might lead to hostilities and war.¶ [\*1638] President Nixon, who initially vetoed the resolution, claimed that it was an unconstitutional restriction on his powers as Executive and Commander in Chief of the military. His successors have taken a similar view. Even so, some of them have at times complied with the law by prior consultation with representatives of Congress, but obedience to the law has been uncertain and a subject of continuing controversy between Congress and the President.¶ Ordinarily, the issue of the constitutionality of a law would be decided by the Supreme Court. But, despite a series of cases in which such a decision has been sought, the Supreme Court has refused to settle the controversy.¶ The usual ground for such a refusal is that a "political question" is involved. The rule is well established that the federal judiciary will decide only "justiciable" controversies. "Political questions" are not "justiciable." However, the standards established by the Supreme Court in 1962 in [Baker v. Carr, 369 U.S. 186,](http://www.lexisnexis.com.proxy.foley.gonzaga.edu:2048/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T10344444401&homeCsi=7338&A=0.8956249551785346&urlEnc=ISO-8859-1&&citeString=369%20U.S.%20186&countryCode=USA) to determine the distinction between "justiciable controversies" and "political questions" are far from clear. One writer observed that the term "political question"¶ [a]pplies to all those matters of which the court, at a given time, will be of the opinion that it is impolitic or inexpedient to take jurisdiction. Sometimes this idea of inexpediency will result from the fear of the vastness of the consequences that a decision on the merits might entail. Finkelstein, Judicial Self-Limitation, 37 HARV. L. REV. 338, 344 (1924)(footnote omitted).¶ It is difficult to defend the Court's refusal to assume the responsibility of decisionmaking on this most critical issue. The Court has been fearless in deciding other issues of "vast consequences" in many historic disputes, some involving executive war power. It is to be hoped that the Justices will finally do their duty here.¶ But in the meantime the spectre of single-minded power persists, fraught with all of the frailties of human nature that each human possesses, including the President. World history is filled with tragic examples.¶ Even if the Court assumed its responsibility to tell us whether the Constitution gives Congress the necessary power to check the President, the War Powers Resolution itself is unclear. Does the Resolution require the President to consult with Congress before launching a nuclear attack? It has been asserted that "introducing United States Armed Forces into hostilities" refers only to military personnel and does not include the launching of nuclear missiles alone. In support of this interpretation, it has been argued that Congress was concerned about the human losses in Vietnam and in other presidential wars, rather than about the weaponry.¶ Congress, of course, can amend the Resolution to state explicitly that "the introduction of Armed Forces" includes missiles as well as personnel. However, the President could continue to act without prior consultation by renewing the claim first made by President [\*1639] Nixon that the Resolution is an unconstitutional invasion of the executive power.¶ Therefore, the real solution, in the absence of a Supreme Court decision, would appear to be a constitutional amendment. All must obey a clear rule in the Constitution.¶ The adoption of an amendment is very difficult. Wisely, Article V requires that an amendment may be proposed only by the vote of two-thirds of both houses of Congress or by the application of the legislatures of two-thirds of the states, and the proposal must be ratified by the legislatures or conventions of three-fourths of the states.¶ Despite the difficulty, the Constitution has been amended twenty-six times. Amendment can be done when a problem is so important that it arouses the attention and concern of a preponderant majority of the American people. But the people must be made aware of the problem.¶ It is hardly necessary to belabor the relative importance of the control of nuclear warfare.¶ A constitutional amendment may be, indeed, the appropriate method. But the most difficult issue remains. What should the amendment provide? How can the problem be solved specifically?¶ The Constitution in section 8 of Article I stipulates that "[t]he Congress shall have power . . . To declare War. . . ." The idea seems to be that only these many representatives of the people, reflecting the public will, should possess the power to commit the lives and the fortunes of the nation to warfare. This approach makes much more sense in a democratic republic than entrusting the decision to one person, even though he may be designated the "Commander in Chief" of the military forces. His power is to command the war after the people, through their representatives, have made the basic choice to submit themselves and their children to war.¶ There is a recurring relevation of a paranoia of power throughout human history that has impelled one leader after another to draw their people into wars which, in hindsight, were foolish, unnecessary, and, in some instances, downright insane. Whatever may be the psychological influences that drive the single decisionmaker to these irrational commitments of the lives and fortunes of others, the fact remains that the behavior is a predictable one in any government that does not provide an effective check and balance against uncontrolled power in the hands of one human.¶ [\*1640] Vietnam and other more recent engagements show that it can happen and has happened here.¶ But the "nuclear football"--the ominous "black bag" --remains in the sole possession of the President.¶ And, most important, his decision to launch a nuclear missile would be, in fact if not in law, a declaration of nuclear war, one which the nation and, indeed, humanity in general, probably would be unable to survive.¶ The adoption of the War Powers Resolution, with clarifying amendments to cover missiles, as an explicit constitutional imperative appears wise. It would finally settle the constitutional excuses.¶ But there is at least one major problem remaining. A situation might arise in which a decision to introduce military personnel or missiles must be made in a matter of minutes. If, for example, the President receives information which he deems reliable that a nuclear attack has been or is about to be launched against us, he may not have time to consult with Congress under the ordinary time-consuming procedures.¶ When this ultimate hypothetical is presented to a class in constitutional law, the response is likely to take the form of nervous laughter. Yet such are the perceived realities of the world in which we now live. Even before the day of nuclear missiles, the Supreme Court in 1863 observed, albeit five to four, in the [Prize Cases, 67 U.S. (2 Black) 635, 668 (1863):](http://www.lexisnexis.com.proxy.foley.gonzaga.edu:2048/lnacui2api/mungo/lexseestat.do?bct=A&risb=21_T10344444401&homeCsi=7338&A=0.8956249551785346&urlEnc=ISO-8859-1&&citeString=67%20U.S.%20635,at%20668&countryCode=USA)¶ He [the president] has no power to initiate or declare a war either against a foreign nation or a domestic State. But by the Acts of Congress . . . he is authorized to call out the . . . military and naval forces of the United States in case of invasion by foreign nations, and to suppress insurrection against the government of a State or of the United States.¶ If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. And whether the hostile party be a foreign invader, or States organized in rebellion, it is none the less a war, although the declaration of it be "unilateral." (citations omitted). This passage and others in a similar vein in Supreme Court opinions give credence to the repeated argument of presidents that they have "inherent" executive authority to initiate military action and a practical state of war in emergency situations, without prior consultation with Congress and without a congressional declaration of war. It is this claim of executive discretion in circumstances when time is of the essence that is particularly unacceptable and hazardous to world destiny in the age of nuclear missiles. One might be willing, along with the Supreme Court in the Prize Cases, to take a chance on the judgment of President Lincoln at the opening of the Civil War in [\*1641] his personal decision to enter into hostilities in a narrow and confined military engagement far removed from public safety in general, and yet be entirely unwilling to trust a president in the nuclear age with the discretion to cast the first missile.¶ The consequences are grossly different, so different in fact, that consideration should be given to amending the Constitution to make it clear that no one human henceforward should be entrusted with such authority.¶ If there is any practical way in which to check the President in order to avoid the possibility of mistaken action, it should be adopted and ¶ written into the Constitution. High emotions, misinformation, wrong headed decisions, and even unrecognized mental incapacity are not only possible but perhaps likely in times of international crisis.¶ Specific and workable solutions to be written into a constitutional amendment are difficult in the extreme. Any plan will have its weaknesses. The question is whether there is a plan that has less weakness than the present one of leaving it to the fragile and unpredictable judgment of one person.¶ Obviously, it is not feasible to convene Congress for a decision as to whether the circumstances justify a declaration of war and the immediate launching of the missile. But perhaps it is not too bizarre to consider the use of three "nuclear footballs." Since the President is now able to have the "black bag" by his side at all times, it would seem feasible to require that a bag also be constantly available to a representative of the House and a representative of the Senate. Inconvenient, yes, but if the President can live with it, representatives of the Congress should also be able to do so. In this age of miracles in instant communication, the messages going to the President could be transmitted to all three at the same time, thereby prompting immediate consultation. The three, of course, would receive constant protection as the President is protected now. If one should not be available due to incapacity, the others would consult alone. My own inclination would be to require the President to receive the concurrence of at least one of the two in the President's plan of action. But for those more willing to trust the judgment of one person, the President's decision could control subject only to the safeguard of prior consultation.¶ The representatives of the House and the Senate might well be the two majority leaders, ex officio. Otherwise, they could be elected by each body for the specific assignment.¶ William Manchester, in his book The Death of a President, described the "bag" at one time as a thirty-pound metal suitcase containing various packets, each bearing a wax seal and signatures of the Joint Chiefs of Staff. Inside one were cryptic numbers which would make [\*1642] it possible for the President to set up a hot line to the prime minister of the United Kingdom and the president of France on four minutes' notice. Inside another there were codes that would launch a nuclear attack.¶ If Manchester's descriptions are accurate, they demonstrate that prior communication is deemed possible within minutes with two other parties. It is striking, though, that the instant prior communication is with representatives of foreign nations, rather than with representatives of Congress, the coordinate branch of our own government expressly charged with the responsibility to declare war.¶ If it is feasible to communicate on moments' notice with the British prime minister and the French president, it would appear feasible to communicate with two of our own officials nearby.¶ Obviously, there are practical problems and uncertainties in this plan. The very idea of the "bag" itself is strange enough, and to suggest the use of three bags is stranger still. Better solutions may be found. Some have urged that the Constitution provide that the United States shall never launch another nuclear weapon. This approach puts great faith in the good will and self-restraint of others who may possess the weapon now and in the future. History gives strong support to this caution.¶ At this time, the soundest conclusion may be simply that the problem of presidential wars should be confronted seriously. The tragic failures of leadership of the past should be prevented. Our great tradition of checks and balances should be applied to this most critical aspect of executive power to make war.

#### Increased presidential powers guts the constitution and makes global intervention inevitable—Guarantees conflict

Schlesinger 4 (Arthur, Professor Emeritus, City University of New York Graduate Center, THE IMPERIAL PRESIDENCY, 2004, p. 497-498)

There is little more typically American than to despair of the republic. As early as 1802, Hamilton pronounced the Constitution a "frail and worthless fabric." Seventy years later Henry Adams declared that "the system of 1789" has "broken down." The dirges of our own day are hardly novel. But the constitutional strain imposed by chronic international crisis is new. Tocqueville's warning lingers. International crisis has given American Presidents the opportunity to exercise almost royal prerogatives. Some Presidents have exercised these prerogatives with circumspection. Others have succumbed to the delusion that American has been charged by the Almighty with a global mission to redeem fallen humanity. In The Imperial Presidency I doubted that a messianic foreign policy, America as world savior, was reconcilable with the American Constitution (see pages 163-166, 206-208, 298). Nearly two decades later, I conclude with the same question. When an American President conceives himself the appointed guardian of the world in which an eternal foreign threat requires a rapid and incessant deployment of men, weapons and decisions behind a wall of secrecy, the result can only be a radical disruption of the balance of the American Constitution. It is hard to reconcile the separation of powers with a foreign policy driven by an indignant ideology and disposed to intervene unilaterally and secretly everywhere around the planet. The Constitution must buckle under the weight of a vainglorious policy, aiming at the redemption of lesser breeds without law, relying on secret actions and duplicitous methods, involving the United States in useless wars and grandiose dreams.

**No impact to heg – data**

**Fettweis, 11**

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

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

### DA – Ptx

#### **Non-unique-Shutdown WILL HAPPEN NOW**

**Cohen and Yan, 9/29** [Tom and Holly, “Defiant House delays Obamacare; government shutdown looms,” <http://www.cnn.com/2013/09/29/politics/shutdown-showdown/>, ALB]

In a move that makes a government shutdown very likely, House Republicans approved a spending plan early Sunday morning that would delay Obamacare for a year and repeal its tax on medical devices.¶ The temporary budget resolution now goes back to the Senate, where Democrats have consistently said any changes to President Barack Obama's signature healthcare law is a deal-killer.¶ On top of that, Obama has already issued a veto threat.¶ If Washington can't reach a deal, a government shutdown will begin at 12:01 a.m. Tuesday.¶ "The Republicans' first try was to defund Obamacare. Now they are slowly chipping away at it," said Dana Bash, CNN's chief congressional correspondent. "They want the president to negotiate. That is their line: the president needs to come to the table and negotiate."¶ A Senate Democratic source told CNN there were no plans for the Senate to meet before Monday -- the day the current fiscal year ends.¶ Congress could avert a shutdown by passing a temporary spending measure while the two chambers work out their differences. But neither side is talking about that now.¶ "I've not talked to anybody here who doesn't think it's a very, very big possibility, even Republicans, that the government won't shut down -- even for a short time," Bash said.¶

#### No link – we’re the courts

Whittington 05 Keith E., Cromwell Professor of Politics – Princeton University, ““Interpose Your Friendly Hand”: Political Supports for the Exercise of Judicial Review by the United States Supreme Court”, American Political Science Review, 99(4), November, p. 585, 591-592

There are some issues that politicians cannot easily handle. For individual legislators, their constituents may be sharply divided on a given issue or overwhelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, including presidents and legislative leaders, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected officials may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves. As Mark Graber (1993) has detailed in cases such as slavery and abortion, elected officials may prefer judicial resolution of disruptive political issues to direct legislative action, especially when the courts are believed to be sympathetic to the politician’s own substantive preferences but even when the attitude of the courts is uncertain or unfavorable (see also, Lovell 2003). Even when politicians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibility for policy outcomes. For cross-pressured politicians and coalition leaders, shifting blame for controversial decisions to the Court and obscuring their own relationship to those decisions may preserve electoral support and coalition unity without threatening active judicial review (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial review may be relatively favorable when judicial invalidations of legislative policy can be managed to the electoral benefit of most legislators. In the cases considered previously, fractious coalitions produced legislation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that political leaders want taken, as illustrated in the following case.

#### Obama will fight drone restrictions

NYT 5-24-2013 (The End of the Perpetual War, lexis)

In the past, we have been deeply troubled by the administration's insistence that the review of planned targeted killings be handled entirely within the executive branch. On Thursday, he said he was willing to talk to Congress about ''options for increased oversight'' -- including the establishment of ''a special court to evaluate and authorize lethal action'' or ''an independent oversight board in the executive branch.'' Mr. Obama said he had constitutional and operational concerns about both ideas; in the end, he may not agree to either. But at least he did not contemptuously dismiss them as some of his advisers have done in the past.

#### No cyber-attack – experts agree

Gjelten 13 -- veteran correspondent for NPR News, specializing in national security and international affairs (Tom, 2013, "Is All The Talk About Cyberwarfare Just Hype?" http://www.wgbh.org/News/Articles/2013/3/15/Is\_All\_The\_Talk\_About\_Cyberwarfare\_Just\_Hype.cfm)

U.S. officials and security experts regularly highlight the cyberthreat, but they also note that the prospects of a major cyberattack are remote. Cyberespionage and "nuisance" cyberattacks may be a problem now, but all-out cyberwar is not. U.S. government pronouncements about the danger of a major cyberattack can be confusing. The director of national intelligence, James Clapper, and the head of the U.S. military's Cyber Command, Army Gen. Keith Alexander, delivered mixed messages this week while testifying on Capitol Hill. Clapper told the Senate Intelligence Committee that the prospect of a computer attack on the nation's critical infrastructure is now the top security threat facing the country, surpassing terrorism. "It's hard to overestimate its significance," Clapper said. In a separate appearance before the Senate Armed Services Committee, Alexander issued a similar warning. "All our systems today — our power systems, our water systems, our governments, our industry — depend on computers, depend on computerized switches, depend on these networks," Alexander said. "All are at risk. If an adversary were to get in, they could essentially destroy those components." Asked by Republican Sen. Lindsey Graham whether such an intrusion would cause as much or more damage than the attacks of Sept. 11, 2001, Alexander answered, "That's correct. I think it would." The Clapper and Alexander testimonies, however, were worded carefully. Clapper, in an assessment representing the views of the entire U.S. intelligence community, characterized the chance of a major cyberattack against U.S. infrastructure in the next two years as "remote." "The level of technical expertise and operational sophistication required for such an attack will be out of reach for most actors during this time frame," the assessment stated. "Advanced cyber actors — such as Russia and China — are unlikely to launch such a devastating attack against the United States outside of a military conflict or crisis that they believe threatens their vital interests." Alexander was similarly reassuring in his written testimony. "We feel confident that foreign leaders believe that a devastating attack on the critical infrastructure and population of the United States by cyber means would be correctly traced back to its source and elicit a prompt and proportionate response," Alexander said. "We [therefore] have some confidence in our ability to deter major state-on-state attacks in cyberspace." So what about a cyber-9/11, or a "cyber-Pearl Harbor," the scenario envisioned in an October 2012 speech by then-U.S. Defense Secretary Leon Panetta? Is the scare talk just hype? Cyber expert James Lewis of the Center for Strategic and International Studies says he put that question recently to what he calls "one of the leading hypers" of the cyberthreat. "I said, 'Oh, come on, you know it's not going to be Pearl Harbor,' " Lewis says. "And he said, 'Yeah.' But he wants people to pay attention. And nobody is doing anything." Cybersecurity experts in both industry and government say the country is unprepared to deal with computer threats. "So there are some folks out there who have believed we needed to hype the threat to get the country to move, on the theory that democracies don't do anything until they've had a disaster," Lewis notes. "He's probably right, but I think it has been overhyped." The immediate security problem is cybercrime and cyberespionage, not cyberwar. President Obama's national security adviser, Tom Donilon, this week accused computer hackers from China of stealing confidential business information and technology. "Increasingly, U.S. businesses are speaking out about their serious concerns about sophisticated, targeted theft through cyber-intrusions emanating from China on a very large scale," Donilon said. Industry and government leaders say the everyday theft of trade secrets is undermining the U.S. economy. Beyond that is the danger that some country, in the future, might be tempted to launch a major cyberattack that could knock out portions of the U.S. power grid or paralyze the financial system. It is unlikely now, but some up-and-coming cyber powers are a cause for concern. Among them is Iran, suspected of carrying out a recent attack against the state oil company in Saudi Arabia. "One thing most of us didn't expect was the Iranians [going] from zero to 60 in about eight months," Lewis notes. "China, Russia, these are responsible countries. They're not going to start a war. How comfortable do you feel saying that about the Iranian Revolutionary Guard?" At this point, even the leaders of Iran may see little reason to spark a major cyber-confrontation with the United States. Their calculation, however, could change at some point, considering the current hostility between the two countries.

### DA – Terrorism

#### Drones are increasing terrorism now

Huffington Post 8/10 [2013, Yemen Drone Strikes Bring New Round Of Terror To Embattled Country, http://www.huffingtonpost.com/2013/08/10/yemen-drone-strikes\_n\_3737554.html]

On Friday night, Farea al-Muslimi, a young Yemeni journalist and activist, went for a drive with a friend around the capital city of his home, Sanaa.¶ It was a holiday weekend, the second day of the Muslim holy festival of Eid al-Fitr, and the streets were calm. But what struck al-Muslimi the most as they crossed through the town, was that they hardly encountered any security presence.¶ "We didn't see a single checkpoint," he told HuffPost. "No one buys the idea that there is a security threat here. They simply don't see it -- I don't see it."¶ Over the previous week, the United States and other Western nations ramped up terror alerts about Yemen, a small nation on the tip of the Arabian peninsula that attracts a disproportionate amount of American attention. A recent terrorism alert prompting the closures of nearly two dozen American embassies around the Arab world was "emanating from Yemen," the U.S. said, and earlier in the week American citizens were urged to flee Yemen. The staff of the U.S. embassy there was spirited to Germany on a military cargo plane.¶ However, as the week progressed, signs of terror did not take the form of an attack by al Qaeda of the Arabian Peninsula, an increasingly powerful franchise of the feared terrorist organization, but instead, as Haykal Bafana, a Sanaa-based Yemeni lawyer, put it recently, of an "orgy of drones."¶ Over the past 10 days, at least nine American drone strikes have been conducted across the country's remote provinces, most recently on Saturday evening. At least 36 people, all of them immediately deemed "suspected militants" by the Yemeni government, were killed, according to wire service counts. On Thursday alone, there were three drone attacks, an unprecedented rate; Saturday's was the fifth in 72 hours.¶ For those left in Yemen, it has been like living in a universe parallel to the one described in American terror alerts, Bafana said on Saturday. "It's like there are two different Yemens," he said. "The one the U.S. and Yemeni government claims is always under a terrorist threat, and the one we actually live in, with drones. It's like they stepped through the looking glass."¶ For Farea al-Muslimi, that's meant a week of fear and anger. "You can tell how frustrated the people here are," al-Muslimi said, when reached by phone late on Friday.¶ Earlier in the week, he said, when an American P-3 Orion spy plane circled over Sanaa for nearly 10 hours, loudly buzzing as residents tried to celebrate the start of Eid, residents stopped in their tracks to protest. "People were standing in the street and screaming at it," he said.¶ Al-Muslimi became something of an American household name, at least in the relatively small circle of people who monitor America's counter-terrorism policies and drone usage, earlier this year when he live-Tweeted accounts of a drone strike from his family's village, Wessab.¶ He subsequently traveled to Washington, D.C., where he testified before Congress about the experience, telling lawmakers that drone strikes were destroying America's image in Yemen, and driving ordinary citizens into the arms of al Qaeda and other militants. "What violent militants had previously failed to achieve, one drone strike achieved in an instant," he said at the time.¶ In the ensuing months, amid a growing atmosphere of dissent about the use and abuse of drone warfare in Washington, President Barack Obama found himself compelled to speak publicly about the policy. In a speech in May, he acknowledged America's role in drone strikes and pledged to create a legal framework for oversight of the program.¶ But The New York Times and others have since reported that the reality in targeted areas like Yemen shows that drone policy is anything but reformed.¶ In Yemen, there have already been 22 strikes this year, close to the pace in 2012 when Obama ordered a record 42 drone strikes, according to the Long War Journal. And in Pakistan, another frequent target of American drones, there were more strikes in July than in any month since January.¶ The history of U.S. drone wars in Yemen includes a number of tactical successes, of course, including the strike that killed feared al Qaeda propagandist Anwar al-Awlaki, an American citizen. But it's also littered with devastating failures: innocent families and children have been hit by misguided missiles, first-aid responders have found themselves targeted by a practice known as "double-tapping," and even some prominent anti-al Qaeda clerics have been assassinated.¶ The day after Obama was reelected for his second term, for instance, he ordered a strike that killed a tribal leader known for negotiating with al Qaeda militants to reduce their lethality. More recently, officials acknowledged that a strike last summer killed Salem Ahmed bin Ali Jaber, a popular sheik who a few days earlier delivered a sermon on the evils of al Qaeda.¶ Mohammed al-Qadhi, a Sanaa-based Yemeni journalist, said that so far there is no conclusive evidence that the current attacks killed innocents. Others, including Bafana, who tracks the strikes through his own network, said the first strikes last week in Hadhramauat killed at least four civilians, including a child.¶ Either way, al-Qadhi said the latest strikes are producing an uptick in popular discontent and protest -- on Facebook and Twitter, in the targeted villages, and at the now-vacant American embassy in Sanaa.¶ "People feel they don't have a government anymore," al-Qadhi said by phone. "They feel we don't have a government to attack the militants, so the Americans are handling it for us, and they are encroaching onto the sovereignty of Yemen."¶ The killings, he added, "may be good for Americans but in the end it doesn't solve the problem completely, especially if some civilians are killed. It just creates a kind of sympathy with al Qaeda. And I think al Qaeda will not stop attacking. I think they will retaliate, and they will fire back again in retaliation to these attacks."¶ The practitioners of America's counterterrorism strategy also sometimes seem at a loss to explain the U.S. policy's objectives.¶ “It’s too early to tell whether we’ve actually disrupted anything,” a top U.S. official told The Washington Post this week, of the most recent round of strikes. “What the U.S. government is trying to do here is to buy time."¶ To al-Muslimi, the return of drone warfare almost reflects an aimlessness among American policymakers. "Just like troubled teenagers with bad parents might run to the addiction of drugs and alcohol when it has problems, Americans are running to drones when they have terrorism problems," he said. "Alcohol makes you forget your failures, and for the Americans it seems like drones are for when they want to forget their counter-terrorism failures. It's senseless."¶ Meanwhile, he said, this week's action may have made some Americans feel better, but it's only increasing the sense of terror in Yemen.¶ "When there is a normal war, people can hide, or they can stay away from the military -- they can make choices and be careful," al-Muslimi said. "But when drones come, you just don't know when you'll be next. The fear is incredible."

#### Drones increase terrorism

Poling 13 Foreign Policy Initiative 1-16 (Caitlin, “The U.S. Needs a More Broad-Based Strategy to Combat Al Qaeda in Yemen,” <http://www.foreignpolicyi.org/content/us-needs-more-broad-based-strategy-combat-al-qaeda-yemen>, Mike)

For most of the past decade, Yemen has remained on the periphery of American national security policy. During this time, officials in the administration, Department of Defense, State Department, and Intelligence Community have been unable to devote as much attention as needed to Yemen due to American engagement in Iraq and Afghanistan. However, the Arab Spring uprisings that began in 2011 along with the September 2012 protests and embassy attacks in response to an American-made anti-Muslim video have demonstrated the importance of security in states like Yemen. Our nation’s continued involvement in Yemen is an important component of our national security. Despite all of the other challenges our country currently faces worldwide, our commitment in Yemen should be strengthened. Al Qaeda in the Arab Peninsula (AQAP), the Al Qaeda (AQ) node based out of Yemen, is widely believed to be the most lethal of the AQ affiliates, and has attempted on several occasions to attack the United States directly and harbored, until his killing in September 2011, Anwar al Alwaki, a U.S. citizen and extremist cleric responsible for the radicalization of the Fort Hood shooter and the 2009 Detroit Christmas Day bomber. The Arab Spring, and resulting uprising in Yemen that began in January 2011, as well as an ongoing Houthi rebellion in the north and secessionist movement in the south, have diverted the attention of the Yemeni security forces from counterterrorism efforts, and at the same time, restricted U.S. forces’ ability to operate on the ground. As a result, AQAP has gained strength and operating room amidst the power vacuum. According to April 2012 estimates by White House counter-terrorism advisor and nominee for CIA Director John Brennan, AQAP has more than a thousand members in Yemen and close ties to al Qaeda Core in Pakistan. The Director of National Intelligence, James Clapper, testified in early 2011 that AQAP remains the AQ node most likely to conduct a transnational attack. Yemen is a fragile and challenged nation, but it is not yet failed – there are concrete steps our country can take to help stabilize Yemen, strengthen its capacity for countering AQAP, and prevent it from becoming another Afghanistan or Somalia. The Obama Administration’s Yemen Strategic Plan is a good start, focused on combating AQAP in the short term, increasing development assistance to meet long term challenges, and building international support in order to maximize global efforts to stabilize Yemen. However, the continued excessive use of Unmanned Aerial Vehicle (UAV) airstrikes remains an unaddressed issue. Policymakers should conduct a full assessment of their impact on the Yemeni population and altering their use. The use of airstrikes conducted by UAVs, colloquially known as ‘drones,’ has rapidly expanded during the past decade. However, little has been done to study their long-term effects on populations and American objectives in Yemen. Although touted as “cost-effective,” the true cost of drone strikes among target populations is not adequately taken into account. Drone strikes create a number of problems hindering our objectives – including providing propaganda material for terrorist groups, fueling hostility, increasing retaliatory attacks by AQAP and other extremist groups, and undermining the authority of the already fragile Yemeni government. President Obama authorized at least 42 strikes in Yemen in 2012, a dramatic increase from years prior. Drone strikes have been successful in targeting and eliminating AQAP leadership; however, American drones have killed twelve times more low-level fighters than mid-to-high level AQ leaders since 2008. Killing low-level militants by drone rather than attempting to capture can lead to a loss of potential intelligence. Despite the success in targeting AQ members, drones alone do not suffice as an American counterterrorism strategy in Yemen. As American drone strikes have increased in frequency, so have retaliatory attacks from AQAP. On September 11, 2012 AQAP attempted to assassinate Yemen’s defense minister via car bomb, killing seven bodyguards and five civilians in the heart of Sana’a. This attack was viewed as a direct response to the American drone strike that took out top AQAP operative Said al-Shehri earlier that month. Even more alarmingly, AQAP has now offered a bounty for the killing of the U.S. Ambassador to Yemen, Geral Feierstein, or any American soldiers in Yemen. While there is no easy solution to the ongoing instability and AQAP presence in Yemen, the U.S. should avoid a drone-centric counterterrorism policy in Yemen. The current American policy, while avoiding risk for Americans on the ground, ignores the very real potential for blowback in the long-term. Instead, the administration should limit drone strikes to only targeting high value individuals; use drone strikes as part of a wider strategy that attempts to address some of the Yemen-specific grievances that are the root causes of terrorism; restore American and allied Special Forces presence in Yemen from the pre-2011 unrest; and work towards building effective Yemeni security forces that can pursue AQAP targets on the ground. A combination of limited high value target drone strikes, increased non-military aid and training of Yemeni forces for counterterrorism efforts are more likely to achieve our nation’s goal of a secure and stable Yemen.